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Attorney for Defendant,
LECK CHOUNLABOUT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LECK CHOUNLABOUT, and CHUNN
PHONGSAVATH, and SARNON SAEPHAN,

Defendants.

Criminal No.: CR07-0421 MAG

**SENTENCING MEMORANDUM RE LECK
CHOUNLABOUT**

January 14, 2008, Leck Chounlabout appeared with the undersigned court-appointed counsel before The Honorable Nandor Vadas and pled guilty to one count of misdemeanor trespassing on BLM lands. All present agreed that sentencing would be "open." Wendy Thomas, appearing for the government, commented to the court that the government was primarily interested in obtaining restitution in the amount of approximately \$1,248.

1 Ms. Thomas did not indicate the government was interested in formal supervised probation for
2 Mr. Chounlabout. No pre-sentencing report was requested. Ms. Thomas reported to the court that
3 none of the co-defendants have criminal histories. Mr. Chounlabout was prepared to be sentenced on
4 the spot. Counsel for one of the co-defendants requested an opportunity to provide a Sentencing
5 Memorandum.

6 Mr. Chounlabout is a married man, 29 years of age with two children ages 3 and 5. He has
7 resided in Humboldt County for 15 years. He is a Welder Coordinator at Wing Inflatables and has
8 been employed there for 6 years. He has no adult criminal history of any kind nor any history of
9 substance abuse. He is a hard worker and enjoys providing for his family and being in the outdoors.
10 Mr. Chounlabout is currently coordinating a Laos New Year celebration that will involve traditional
11 and religious ceremonies. The event will be in April and the entire community will be invited to learn
12 about Laotian culture.

13 Mr. Chounlabout does not present a threat to the community or to himself. There is no need to
14 expend scarce government resources by monitoring his behavior or randomly searching him or his
15 family residence. Hence there is no need to place him on any type of probation, other than court
16 probation until he pays his share of restitution, which is approximately \$416 – one third of the total
17 amount.

18 The offense for which Mr. Chounlabout pled guilty is one of the more minor within the code -
19 edging out such offenses as loitering. He respectfully requests the court allow him to pay \$416 in
20 restitution and a \$25 processing fee. He agrees he should be placed on court probation until he pays
21 the restitution and fine. He believes the offense of trespassing does not warrant anything further.

22 Dated: January 25, 2008

DUN & MARTINEK LLP

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25 Randall H Davis, Attorney for
26 LECK CHOUNLABOUT
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